

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	NO. 3:18-CR-0097
	:	
	:	(MARIANI, J.)
ROSS ROGGIO and	:	
ROGGIO CONSULTING	:	
COMPANY, LLC	:	
Defendants	:	

**GOVERNMENT’S PRETRIAL MEMORANDUM**

The United States respectfully submits this Pretrial Memorandum addressing various issues which may arise during trial.

**Summary of the Evidence**

The evidence the government expects to introduce during its case in chief was summarized in its motions *in limine*. See, e.g., Doc. 235 at 7-15.

**Length of Trial**

If jury selection and the suppression hearing take place on May 8 and barring unforeseen delays, the government anticipates that it will complete the presentation of its case in chief either by close of business on May 19 or by early to the middle of the week of May 22.

### **Interpreter Unnecessary**

The government met during the week of April 17 with the Estonian witnesses it expects to call in its case in chief. Although English is not their first language, all of these witnesses have an excellent command of English. Their ability to speak and understand English does not require the services of an interpreter. Consequently, in regard to the Court's order dated April 5, 2023 (Doc. 217), the government has determined that having an Estonian interpreter at trial is unnecessary.

### **Audio Recording**

The Court has scheduled a hearing on May 8 to determine the admissibility of a recording of Roggio that was made surreptitiously by one of his employees. *See* Doc. 194. If the Court determines that the recording is admissible, the government intends in its case in chief to introduce eight excerpts of the recording, with a rolling transcript. The government will provide defense counsel with the time stamps of the transcript of those excerpts prior to trial. The government reserves the right to play additional excerpts of the recording during the suppression

hearing, during cross-examination of the defendant or other witnesses at trial, and during any rebuttal case at trial.

### **Evidence from Seized Devices**

The government will seek to introduce at trial email messages, a PowerPoint presentation, videos, and possibly other materials found on the defendant's electronic devices that were seized pursuant to search warrants. *See* Doc. 112. Government witnesses will testify to the seizure of these devices, the chain of custody, and the extraction of data from these devices, thereby authenticating the materials. In some instances, a witness who was party to a communication (for example, the witness sent or received an email message) or who can otherwise identify the video (for example, the witness worked in the weapons factory shown on a video) will testify about the exhibit and thereby establish its relevance. In other instances, a summary witness will testify about the exhibit (for example, where the communication is from Roggio and therefore admissible pursuant to Federal Rule of Evidence 801(d)(2)(A) or where the communication was made by an employee of Roggio Consulting Company, LLC and therefore admissible pursuant to

Federal Rule of Evidence 801(d)(2)(D)).

Dated: April 26, 2023

Respectfully submitted,

GERARD M. KARAM  
UNITED STATES ATTORNEY

/s/ Todd K. Hinkley  
Todd K. Hinkley  
Assistant U.S. Attorney  
Atty ID No. PA 68881  
235 N. Washington Ave.  
Scranton, PA 18503

KENNETH A. POLITE, JR.  
Assistant Attorney General

/s/ Patrick Jasperse  
Patrick Jasperse  
Trial Attorney  
Criminal Division  
U.S. Department of Justice  
Human Rights and Special  
Prosecutions Section

MATTHEW G. OLSEN.  
Assistant Attorney General

/s/ Scott A. Claffee  
Scott A. Claffee  
Trial Attorney  
National Security Division  
U.S. Department of Justice  
Counterintelligence and Export  
Control Section

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on April 26, 2023, he served a copy of the above document via ECF on Gino Bartolai, Esq., counsel for defendants.

s/ Todd K. Hinkley  
TODD K. HINKLEY  
Assistant U.S. Attorney